

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

JAMES J. THOLE and SHERRY SMITH	)	
on behalf of themselves individually, and	)	
on behalf of all others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	Case No. 13-cv-2687 JNE/JJK
v.	)	
	)	
U.S. BANK, NATIONAL	)	
ASSOCIATION, et al.,	)	
	)	
Defendants.	)	

**NOTICE OF APPEAL**

Notice is hereby given that James J. Thole and Sherry Smith, Plaintiffs in the above captioned case, hereby appeal to the United States Court of Appeals for the Eighth Circuit from the Judgment in a Civil Case [ECF No. 239], as well as the Order granting Defendants' Motion to Dismiss for Lack of Standing Under Rule 12(b)(1), both entered in this action on December 29, 2015 [ECF No. 238]. Plaintiffs also hereby appeal from the Order entered in this case on November 11, 2014, granting in part Defendants' Motion to Dismiss the Consolidated Amended Complaint or for Partial Summary Judgment, and denying Plaintiffs' Motion for Relief under Federal Rule of Civil Procedure 56(d) [ECF No. 146], and the Order entered March 18, 2016, denying Plaintiffs' Motion for Attorney's Fees and Expenses [ECF No. 267].

Date: April 15, 2016

**COHEN MILSTEIN SELLERS & TOLL,  
PLLC**

By: Michelle C. Yau  
Karen L. Handorf, admitted pro hac vice  
Michelle C. Yau, admitted pro hac vice  
Mary J. Bortscheller, admitted pro hac vice  
1100 New York Avenue, N.W.  
Suite 500, West Tower  
Washington, D.C. 20005  
Telephone: (202) 408-4600  
Facsimile: (202) 408-4699  
khandorf@cohenmilstein.com  
myau@cohenmilstein.com  
mbortscheller@cohenmilstein.com

**ZIMMERMAN REED, LLP**  
Carolyn G. Anderson, No. 275712  
Brian C. Gudmundson, No. 336695  
June P. Hoidal, No. 33330X  
Kirsten D. Hedberg, No. 344369  
1100 IDS Center, 80 South 8th Street  
Minneapolis, Minnesota 55402  
Telephone: (612) 341-0400  
Facsimile: (612) 341-0844  
Carolyn.Anderson@zimmreed.com  
Brian.Gudmundson@zimmreed.com  
June.Hoidal@zimmreed.com  
Kirsten.Hedberg@zimmreed.com

*Attorneys for Plaintiffs and Interim Co-Lead  
Counsel for the Class*